

Environmental Quality Commission
Aloma Dew, Chair, *Owensboro*
Betsy Bennett, Vice-Chair, *Louisville*
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Gary Revlett, *Shelbyville*
Jean M. Dorton, *Paintsville*
Gordon Garner, *Prospect*
Lindell Ormsbee, *Lexington*



ENVIRONMENTAL QUALITY COMMISSION
14 REILLY ROAD
FRANKFORT, KY 40601-1132

PAUL E. PATTON
GOVERNOR

RECOMMENDATION of the KENTUCKY ENVIRONMENTAL QUALITY COMMISSION

Pursuant to KRS 224.01-100 through 224.01-115, the Environmental Quality Commission shall have the power, duty and authority to:

Recommend adoption or rejection by a majority of its membership present and voting of any proposal by the cabinet to adopt, modify or revoke any rule or regulation pertaining to the prevention, abatement and control of existing or threatened air or water pollution, disposal of waste, control of noise, or the use of air, land, or water resources, or strip mining and reclamation.

The Commission shall tender in writing, its recommendation of adoption or rejection. If the Cabinet adopts any matter upon the Commission's recommendation of rejection, the Secretary shall file with the Commission a statement of the reason therefore.

Therefore, on May 8, 2003:

The Environmental Quality Commission voted unanimously to recommend approval of the Kentucky Department for Surface Mining Reclamation Enforcement proposed Noncoal regulations:

- **405 KAR 5:001**
- **405 KAR 5:030**
- **405 KAR 5:035**
- **405 KAR 5:038**
- **405 KAR 5:053**
- **405 KAR 5:060**
- **405 KAR 5:075**
- **405 KAR 5:080**

with the exception of:

- **405 KAR 5:045** . . . as it relates to noncoal mining in environmentally sensitive areas. EQC expresses grave concern about the proposed provision allowing noncoal mining in federal and state environmental areas and recreational areas such as national parks, wildlife management areas, wild rivers, nature preserves and similar public lands. EQC notes that no case has been made for this change or a demonstration provided that there is a need or demand for noncoal mining in these protected areas, which constitute a small amount of the available land in Kentucky. Therefore, the commission requests that the original language or the regulation that prohibits mining in these areas be retained.

Signed

A handwritten signature in cursive script, reading "Aloma W. Dew".

Revision made May 12, 2003